



STATE OF CONNECTICUT  
JUDICIAL BRANCH

CHAMBERS OF  
CHASE T. ROGERS  
CHIEF JUSTICE

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**Testimony of Supreme Court Chief Justice Chase T. Rogers  
Judiciary Committee Public Hearing  
March 18, 2016**

**S.B. 426, An Act Creating a Task Force to Improve Access  
to Legal Counsel in Civil Matters**

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch in support of S.B. 426, *An Act Creating a Task Force to Improve Access to Legal Counsel in Civil Matters*. The bill establishes a task force to study, among other things, the consequences of the unmet legal needs of our state's residents. I am grateful to Senator Martin Looney for his stalwart support of this initiative and for proposing this bill, so that we can begin discussing this critically important issue. Other states are addressing this subject, and I believe strongly that it is time for Connecticut to accelerate serious and comprehensive discussions regarding people who cannot afford representation in certain types of cases.

Let me assure you that I understand the complexity and enormity of this issue, along with the questions it raises: How much would it cost? Are there alternative funding sources? How could it be structured? What kinds of cases are we talking about? These are just a few of the many questions that will need to be answered. The recognition of the hard questions, however, does not mitigate the need to find answers.

As I mentioned in a speech last year before the Connecticut Bar Association, we have people in our civil and family courts every day who are unable to afford attorneys. Yet, is there less at stake if someone faces jail over child support payments? Is there less at stake if litigants are the victims of domestic violence or risk losing their home?

In 85 percent of our family cases, at least one party is self-represented; in civil, approximately 25 percent have at least one self-represented party. At the intermediate Appellate Court, approximately 38 percent of cases have one self-represented party. These kinds of numbers are a reflection of what is going on around the country and are in no way limited to Connecticut. Granted, not all of these individuals are indigent, but I think we can assume many of them are.

Of course, the task force will need to determine which types of civil cases are so significant that representation should be required. In doing so, it will have the opportunity to review what has occurred in other states. For example, in response to New York Chief Judge Jonathan Lippman's call to action, the New York Legislature passed a concurrent resolution that "it should be the policy of the state of New York, that every New Yorker in need have effective legal assistance in matters involving the essentials of life." Meanwhile, California has piloted projects selected by the Judicial Council to provide legal representation and improved court services to low-income parties. These individuals are facing critical legal issues affecting basic human needs such as housing, child custody disputes, domestic violence, or the need for a guardianship or conservatorship.

I should note that Connecticut's superb legal services community has assisted many, many individuals. However, the demand far outweighs the supply. I also want to recognize the state's bar associations for their enthusiastic support of pro bono services and the many attorneys who assist self-represented parties. Again, though, there is only so much time to give.

The Judicial Branch stands ready to participate on this important task force that I am confident will lead to further enhancement of access to justice, and on behalf of the Branch, I urge favorable action on this proposal. We would respectfully request in the consideration of this proposal that you add an individual from our Court Operations Civil Unit to the task force.

Let me conclude by thanking you for your time and attention to this matter.